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ANDREW J KLINE ESQ

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VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT made this 24 day of October, 2002, by and between COSI, INC. ("Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 2B ("ANC 2B").

WITNESSETH

WHEREAS, Applicant has applied for approval of the reissuance of a Retailer's License Class CR (the "License") issued by the Alcoholic Beverage Control Board of the District of Columbia for premises located at 1350 Connecticut Avenue, NW, Washington, D.C. (the "Premises"), Application no. 35112;

WHEREAS, ANC 2B has filed a written objection to the approval of the reissuance of the License pursuant to the provisions of D.C. Code §25-602(a); and

WHEREAS, the parties have agreed to enter into this Agreement and to request the Alcoholic Beverage Control Board to approve of the reissuance of Applicant's License conditioned upon Applicant's compliance with the terms of this written agreement.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. Applicant shall maintain its outside café seating to the shaded area reflected on Exhibit A attached hereto and incorporated by reference herein, unless otherwise ordered by the Public Space Committee. Applicant shall have employees monitor the outside seating to assure that the boundaries reflected on Exhibit A are maintained. Applicant shall use its best efforts to obtain permission from its Landlord to install a barrier, in accordance with public space regulations, to maintain the boundaries of the outside seating area.
3. Applicant shall provide to ANC 2B the name and contact information for the manager of the Premises, or the District Manager, and shall keep ANC 2B advised of any changes in the names or contact information.
4. ANC 2B hereby withdraws its protest and joins with Applicant in requesting the Alcoholic Beverage Control Board to accept this Agreement as a condition of approval to

5. the reissuance of Applicant's License.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESS:

APPLICANT:

COSI, INC.

Felicia Manning

By:

[Signature]

ANC 2B:

ADVISORY NEIGHBORHOOD COMMISSION
2B

[Signature]

By:

[Signature]

Cos.
1350 Connecticut Ave.
19th St. Outside Seating

PLANTER

4'-0" 3'-0"

PR
LIN

Interior

23'-0"

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Cosi, Inc.
t/a Cosi

Application for a Retailer's Class
CR License (renewal)
at premises
1350 Connecticut Avenue, N.W.
Washington, D.C.

Case no. 35112-02/116P
2002-259

Vince Micone, Chairperson, on behalf of Advisory Neighborhood Commission 2B,
Protestant

Andrew J. Kline, Esquire, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on August 7, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Vince Micone, Chairperson, on behalf of Advisory Neighborhood Commission 2B filed timely opposition.

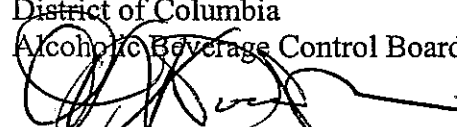
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated October 9, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Cosi, Inc.
t/a Cosi
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Accordingly, it is this 13th day of November 2002, **ORDERED** that:


1. The opposition of Vince Micone, Chairperson, on behalf of Advisory Neighborhood Commission 2B, is **WITHDRAWN**;
2. The application of Cosi, Inc. t/a Cosi for a retailer's class CR license (renewal) at 1350 Connecticut Avenue, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

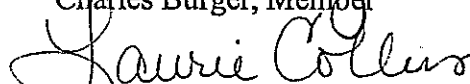
District of Columbia
Alcoholic Beverage Control Board

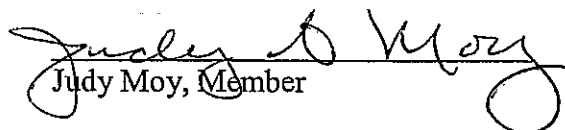

Roderic L. Woodson, Esquire, Chair

NOT VOTING

Vera Abbott, Member



Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member

NOT VOTING

Ellen Oppen-Weiner, Esquire, Member


Audrey E. Thompson, Member